

**ALLEGED VIOLATION:** On or about January 12 and 28, February 11, and March 3 and 10, 1949, and while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (1), the repackaged drugs bore no label containing the name or place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the repackaged drugs bore no label containing a statement of the quantity of the contents; and, Section 502 (f) (1), the repackaged drugs bore no labeling containing directions for use.

Further misbranding, Section 502 (d), the repackaged *seconal sodium capsules* and *nembutal sodium capsules* were drugs for use by man and contained chemical derivatives of barbituric acid, which derivatives had been by the Administrator of the Federal Security Agency, after investigation, found to be and by regulations designated as, habit forming; and the labels of the repackaged capsules failed to bear the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming." Further misbranding, Section 502 (e) (1), the repackaged *Benzedrine Sulfate Tablets* bore no label containing the common or usual name of the drug, namely, Benzedrine Sulfate.

**DISPOSITION:** February 6, 1950. A plea of guilty having been entered, the court imposed a fine of \$50.

**3044. Misbranding of Benadryl Capsules and Dexedrine Sulfate Tablets. U. S. v. Godt Brothers, William C. Godt, and Henry C. Godt. Pleas of nolo contendere. Defendants placed on probation for 1 year. (F. D. C. No. 26733. Sample Nos. 27038-K, 27317-K.)**

**INFORMATION FILED:** September 6, 1949, Western District of Arkansas, against the Godt Brothers, a partnership, Kansas City, Mo., and William C. Godt and Henry C. Godt, partners.

**INTERSTATE SHIPMENT:** On or about August 10 and 16, 1948, from the States of Missouri and Pennsylvania into the State of Arkansas.

**ALLEGED VIOLATION:** On or about August 31 and September 10, 1948, and while the articles were being held for sale after shipment in interstate commerce, the defendants caused quantities of the articles to be repackaged and sold to various persons without a prescription, which acts of the defendants resulted in the repackaged articles being misbranded.

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the repackaged articles bore no label containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), they failed to bear labeling containing adequate directions for use.

**DISPOSITION:** September 30, 1949. Pleas of nolo contendere having been entered, the court placed the defendants on probation for 1 year.

**3045. Misbranding of Colusa Natural Oil and Colusa Natural Oil Capsules. U. S. v. 21 Bottles, etc. (and 15 other seizure actions). (F. D. C. Nos. 12896, 13126, 13370, 13384, 13406, 13610, 14040, 14731, 14740, 14745, 14791, 14797, 19169. Sample Nos. 61588-F, 61589-F, 61591-F, 61592-F, 72461-F, 72462-F, 73969-F, 73971-F, 77664-F to 77671-F, incl., 78164-F, 78165-F, 79544-F, 79545-F, 79921-F, 87120-F, 87121-F, 89661-F, 89901-F, 89902-F, 92103-F, 92104-F, 92386-F, 92387-F, 56625-H, 56626-H.)**

**LIBELS FILED:** Between July 7, 1944, and February 8, 1946, District of Columbia, Eastern, Middle, and Western Districts of Pennsylvania, Western District of

Texas, Southern District of Iowa, Western District of Missouri, District of Arizona, Western District of New York, Eastern District of Michigan, Western District of Tennessee, and District of New Hampshire.

**ALLEGED SHIPMENT:** Between the approximate dates of March 9, 1944, and December 10, 1945, by the Colusa Remedy Co., from Hollywood and Los Angeles, Calif.

**PRODUCT:** 1,028 2-fluid-ounce bottles and 213 4-fluid-ounce bottles of *Colusa Natural Oil* and 635 100-capsule boxes and 158 200-capsule boxes of *Colusa Natural Oil Capsules* and a number of circulars headed "Colusa Remedy Co. Field Headquarters Williams, California," at Washington, D. C., Chester, West Chester, Coatesville, Conshohocken, Chambersburg, and Pittsburgh, Pa., Waco and San Antonio, Tex., Marshalltown, Iowa, Springfield, Mo., Phoenix, Ariz., Corning, N. Y., Saginaw, Mich., Memphis, Tenn., and Nashua, N. H.

Examination showed that the products consisted of petroleum oil.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circulars described above, which accompanied the products other than those involved in the New Hampshire action, and the pictures of a man's back, two hands, and a leg before and after treatment, which were displayed in the circulars, were false and misleading. The statements and pictures represented and suggested that the articles would be efficacious in the treatment of psoriasis, eczema, leg ulcers, itch, and athlete's foot. The articles when used alone or in combination with each other would not be efficacious for such conditions.

Further misbranding, Section 502 (f) (1), the labels of the articles involved in the New Hampshire action failed to bear adequate directions for use in the treatment of skin diseases, psoriasis, leg ulcers, and eczema, which were the conditions for which the articles were offered in advertising disseminated and sponsored by, and on behalf of, the packer.

**DISPOSITION:** The Colusa Remedy Co. appeared as claimant in each of the above-mentioned libel actions, and upon petition by the claimant, the libel actions were consolidated for trial in the Western District of Texas. On July 22, 1946, the claimant filed a motion to dismiss the libels, and on August 18, 1947, after consideration of the briefs of the parties, the court entered an order overruling and denying the motion to dismiss. An answer was filed also on behalf of the claimant, denying that the products were misbranded by the circulars and denying that the circulars constituted labeling. Thereafter a stipulation was entered into by the parties, which provided that final determination of the issue of misbranding in certain cases in the Northern District of Iowa (see notice of judgment on drugs and devices, No. 2922) should be applicable and decisive on the issue of misbranding in the instant cases, and that if in the Iowa cases, decrees of condemnation were finally entered, based on findings that the products seized therein were misbranded, then a decree of condemnation may be entered in the instant cases. In accordance with such stipulation, and in view of the decision reached in the Iowa cases, providing for condemnation of the products there involved, the court entered a decree in the instant cases, providing for condemnation and destruction of the products.

**3046. Misbranding of vitamin and mineral tablets. U. S. v. 45 Bottles \* \* \* .**  
(F. D. C. No. 28254. Sample No. 13697-K.)

**LIBEL FILED:** October 31, 1949, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 11, 1949, from Los Angeles, Calif.

**PRODUCT:** 45 60-tablet bottles of *vitamin and mineral tablets*. The product was offered "to give power" during lectures delivered by Thomas Gaines in